

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Thursday, December 10, 2009

Mr. Traynor called the meeting to order at 9:30 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
John Newlin, Appraiser Member
Lowell K. Griffin, Appraiser Member

Members Absent:

Liz Stoll, Lender Member
James Lewis, Consumer Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Stephanie Sims, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. CHAIRMAN'S REPORT

Mr. Traynor delivered a detailed report on the current activities of the Board, the AQB, the ASB, and the ASC

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

No report was offered due to a computer problem in running the reports.

III. OLD/NEW BUSINESS

A. Efficiency

1. Efficiency improvements

Mr. Rhoad discussed with the REAB efficiency improvements taking place at the agency.

2. Delegation of applications

a) Standard applications

b) Positive response committee

A motion was made and seconded to allow members of the board approve standard applications and applications with positive responses between meetings, pending their formal ratification at the next REAB meeting by the entire board.

Johnson / Newlin

Motion Carried 5-0-0

B. 2010

1. Meeting Schedule

a) January 14

b) March 11

c) May

A motion was made and seconded to approve the above meeting schedule through June 30, 2010.

Motion Carried

5-0-0

2. Settlement Conference Schedule

a) January

b) February

c) March

- d) April
- e) May
- f) June

A motion was made and seconded to approve the above settlement conference schedule through June 30, 2010.

C. Pearson VUE

Pearson VUE presented their automated CE monitoring program to the REAB. The Reab is interested in this, but wants more concrete figures on cost to the licensees. They are also interested in what other states are doing.

D. ASC Continuing Education Audit Update

Mr. Rhoad informed the REAB that the ASC believes the CE / AQB non-compliance review is now complete.

E. AMC review and quality control of appraisals without a license

The Board concluded that they believe that anyone conducting an appraisal review or quality control review needs to be licensed.

F. Probation Monitoring Contact Update

No action was taken on this item.

G. Experience Credit of more than five years

Mr. Rhoad reported to the REAB that the ASC does not impose any restrictions on the timeline an applicant uses for their application for licensure. The REAB did not take action, but will continue to research the matter.

H. Difference between BPO & an appraisal. Broker's opinion of property value for fee, use of market analysis approach, and subjection to USPAP standards under 876 IAC 1-1-43.

The REAB discussed the use of BPO's and the need to follow USPAP. No other action was taken on this item.

I. Jeff Viehmann reinstatement requirement

A personal appearance was requested for Mr. Viehmann

J. Reactivation of license Jon D. Funk

A personal appearance was requested for Mr. Funk

IV. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

B. Licensees in non-compliance with final order

1. State of Indiana v. Charles Hensley

REAB 06-122

30 CE hrs – 6 months

Final Order dated 7/20/07

A motion was made and second to issue a Notice of Show Cause

Johnson / Watson

Motion Carried 5-0-0

V. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Ruth Hersey

REAB 08-33

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

B. State of Indiana v. Eric T. Gray

REAB 09-22

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

C. State of Indiana v. Ross Clark

REAB 09-25

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

D. State of Indiana v. Richard Ernest Bevilhymmer

REAB 09-29

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

E. State of Indiana v. Michael Riggs

REAB 09-22

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

F. State of Indiana v. Nancy Burtch

REAB 09-43

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

G. State of Indiana v. Scott M. Terrell

REAB 09-51

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order

Motion Carried

4-0-0

VI. ADMINISTRATIVE LAW JUDGE ORDER FOR DELIBERATION AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Darrell E. Cummings

REAB 07-22

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried
5-0-0

B. State of Indiana v. Deron J. Strickland

REAB 07-82

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried

5-0-0

C. State of Indiana v. Rodney Williams

REAB 07-89

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried

5-0-0

D. State of Indiana v. Brenda M. Stephens

REAB 06-132

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried

5-0-0

VII. ORDER SHOW CAUSE HEARINGS (All hearings in this section begin at 1:00)

A. State of Indiana v. Seth Deaton

REAB 06-72

Re: Order to Show Cause

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

B. State of Indiana v. Gregory Grove

REAB 07-06

Re: Order to Show Cause

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

C. State of Indiana v. Christopher Barker

REAB 07-30

Re: Order to Show Cause

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

D. State of Indiana v. Terry Lee Banks

REAB 07-61

Re: Order to Show Cause

A motion was made and seconded to grant Mr. Banks a 90 day extension to 3-11-10 to complete the terms of his order.

Motion Carried 5-0-0

E. State of Indiana v. Charles Newkirk

REAB 07-73

Re: Order to Show Cause

A motion was made and seconded to Suspend Mr. Newkirk's license

Motion Carried
5-0-0

F. State of Indiana v. Hilton Morris Jr.

REAB 07-88

Re: Order to Show Cause

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

G. State of Indiana v. Bryan Waters

REAB 08-13

Re: Order to Show Cause

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

VIII. DISCIPLINARY HEARINGS (All hearings in this section begin at 1:00)

A. State of Indiana v. Phillip Owens (1.5)

REAB 09-61

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

B. State of Indiana v. Tracy Meier ?

REAB 09-32

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default

Motion Carried

5-0-0

C. State of Indiana v. Troy Fisher~

REAB 08-35

Re: Disciplinary Hearing

No action was taken on this matter pending a potential settlement agreement

D. State of Indiana v. Mark Hubele~

REAB 09-38

Re: Disciplinary Hearing

No action was taken on this matter pending a potential settlement agreement

E. State of Indiana v. Cheryl Gorman*

REAB 09-09

Re: Disciplinary Hearing

Settlement conference set for 12/9/09

No action was taken on this matter pending a potential settlement agreement

F. State of Indiana v. James Arnold*

REAB 09-20

Re: Disciplinary Hearing

Settlement conference set for 12/9/09

No action was taken on this matter pending a potential settlement agreement

G. State of Indiana v. James Sloan*
REAB 09-24
Re: Disciplinary Hearing
Settlement conference set for 12/9/09
No action was taken on this matter pending a potential settlement agreement

H. State of Indiana v. Richard Bohne*
REAB 09-34
Re: Disciplinary Hearing
Settlement conference set for 12/9/09
No action was taken on this matter pending a potential settlement agreement

I. State of Indiana v. Steven McCloskey*
REAB 09-65
Re: Disciplinary Hearing
Settlement conference set for 12/9/09

IX. CONSIDERATION OF THE MOTION TO DISMISS

A. State of Indiana v. Kimberly D. Daniel-Pierce
REAB 09-30
Re: Motion to Voluntary Dismissal by Petitioner

A motion was made and seconded to approve the Motion to Voluntary Dismissal by Petitioner
Motion Carried
5-0-0

X. MOTION TO WITHDRAW APPEARANCE

A. State of Indiana v. James Frisby
REAB 09-33
Re: Motion by counsel to withdraw appearance
No action was taken on this item.

B. State of Indiana v. Laurelee Hawkins
REAB 08-26
Re: Motion by counsel to withdraw appearance
No action was taken on this item.

C. State of Indiana v. Stephens Sanders
REAB 09-39
Re: Motion by counsel to withdraw appearance
No action was taken on this item.

XI. COST

A. State of Indiana v. Albert W. Young
REAB 08-11
Re: Approval of Cost
A motion was made and seconded to approve the cost in this matter.
Motion Carried 5-0-0

B. State of Indiana v. Patrick J. Angerer
REAB 09-27
Re: Approval of Cost
A motion was made and seconded to approve the cost in this matter.
Motion Carried 5-0-0

C. State of Indiana v. Dwight K. Johnson

REAB 09-31

Re: Approval of Cost

A motion was made and seconded to approve the cost in this matter.

Motion Carried 5-0-0

A. State of Indiana v. Jay Johnson

REAB 09-40

Re: Approval of Cost

A motion was made and seconded to approve the cost in this matter.

Motion Carried 5-0-0

II. APPLICATION REVIEW

Trainee Application

- a. Joseph V. Clary positive response

Certified Residential Applications

- a. Matthew Johnson positive response
- b. Travis Piper
- c. Bradley Butler
- d. Jeffrey Youngman
- e. Ron Schwuchow
- f. Jeremias Kenner
- g. Clark Klemme
- h. Don Kepshire
- i. Glenn Howard 2nd review
- j. William Batteast

Certified General Applications

- a. Steven Sante
- b. David Masten

III. EDUCATION REVIEW

Dennis Badger and Associates, Inc.

Course: Appraising Difficult Residential Assignments 7.0 hours

Instructors: Thomas Veit and Dennis Badger

Joseph A. Traynor, Chairman

Date